

REMARKS

Claims 1-24 are under consideration.

Priority

Applicant acknowledges the requirement mentioned in paragraph one of the Office Action. Applicant notes that the patent application transmittal submitted on the filing date the present application, requests that the specification be amended to include "this is a continuation-in-part of prior application Serial No. 09/809,713, filed on, March 15, 2001, the entire disclosure of which is incorporated by reference herein" on page 1 of the application. Please refer to element 17 on the enclosed copy of the utility patent application transmittal. To the extent required, the undersigned attorney invites the Examiner to contact him if more is needed to ensure that the specification is amended to provide reference to the prior application to which priority is claimed.

Double Patenting

Claims 1-24 were rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1-22 of U.S. Patent No. 6,428,964 to Shuber ("Shuber") in view of U.S. Patent No. 5,985,563 to Hyldig-Nielson *et al.* ("Hyldig-Nielson").

In order to advance prosecution, but without acquiescing to the merits of the rejection, Applicant encloses an executed Terminal Disclaimer and an appropriate fee under 37 C.F.R. § 1.20(d). Applicant believes that the submission of the enclosed Terminal Disclaimer is appropriate in view of the fact that the application is otherwise in condition for allowance.

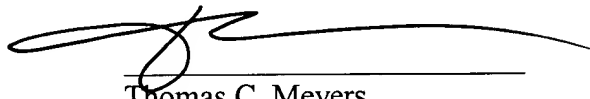
The Applicant believes that no further fee is required with this submission. However, should an additional fee be required, the Applicant hereby authorizes the Commissioner to charge Deposit Account No. 20-0531 as necessary. In light of the filing of the executed Terminal Disclaimer, the Applicant respectfully requests that the rejection be reconsidered and withdrawn.

CONCLUSION

On the basis of the foregoing remarks, Applicants submit that claims 1-24 are in condition for allowance and request early and favorable action.

Respectfully submitted,

Date: September 8, 2003
Reg. No. 36,989
Tel. No. (617) 248-7013
Fax No. (617) 248-7100



Thomas C. Meyers
Attorney for Applicants
Testa, Hurwitz & Thibeault, LLP
High Street Tower
125 High Street
Boston, MA 02110